

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

January 14, 2009

The meeting was called to order at 4:01 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Brent Fuller, Jack Matheson, Terri Mills, and Phil Conder

ABSENT:

Mary Jayne Davis and Jason Jones

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Steve Pastorik, Hannah Thiel, Jody Knapp and Nichole Camac

WEST VALLEY ADMINISTRATIVE STAFF:

Nicole Cottle, Deputy City Attorney

AUDIENCE

Approximately fifteen (15) people were in the audience

ZONE CHANGE APPLICATION:

Z-9-2008

Colin Wright

5300 South 5600 West

M to R-1-4 and MXD

16.1 acres

This application was continued during the public hearing on December 10, 2008. With the exception of the final paragraph and the updated staff alternatives, this staff report was in the last Planning Commission packet. The last paragraph addresses issues raised during the public hearing on December 10.

Colin Wright with Blackridge Development is requesting a zone change for 16.1 acres of a 16.4 acre parcel at approximately 5300 South 5600 West from M (manufacturing) to R-1-4 (residential, single family, minimum lot size 4,000 square feet) and MXD (mixed use). Surrounding zones include R-1-7 to the west and north, R-1-6 to the east in Salt Lake County, and C-2 to the south. Surrounding land uses include single family homes or lots planned for single family homes to the north and west, single family homes to the east, and a convenience store and vacant land to the south. The subject property is designated as medium density residential, general commercial, or mixed use in the West Valley City General Plan. The southeast portion of the property is developed as a Maverik convenience store; hence, this portion of the property was left out of the rezone application.

Up until 4 years ago, all of the property within the City that is east of the West Ridge Golf Course was zoned M. In 2004, the City changed the zoning on the City owned property to the southeast of the golf course from M to R-1-7. This land was then sold to Ivory Homes which Ivory then developed as the Westridge Estates Subdivision.

Attached to this report is a letter from Colin Wright which outlines the reasoning for this application. Also included with Mr. Wright's letter is a memo from UTA which describes the transit upgrade planned along 5600 West.

As described in the memo from UTA, UTA and UDOT have committed to building bus rapid transit (BRT) in dedicated lanes in the center of 5600 West between 6200 South and 2700 South by 2015. Stations for this BRT are planned every mile with a station planned at the intersection of 5600 West and 5400 South. The Wasatch Front Regional Council's regional transportation plan includes BRT along 5400 South by 2030. The subject property is currently serviced by bus route 54, which runs along 5400 South and connects with the 5300 South TRAX station, and by bus route 356, a fast bus with limited stops and park & ride lots that runs along 5600 West and goes to downtown Salt Lake.

Development Plan

A copy of the development plan is attached. The concept includes five different types of uses. The R-1-4 portion of the project is designed very similar to the parkside home

concept Ivory Homes is proposing in Highbury and has built in Daybreak. Building Types A and B are three story senior apartments with Building A having one space for an office or retail tenant on the ground floor. An elevation for Building Type A is attached. There are three Building Type C buildings which are three story, 24 unit apartments. An elevation for Building Type C is attached. Commercial Parcel 1 is reserved for retail or office space. Commercial Parcel 2 is reserved for office space. The proposed mix of uses within the MXD Zone meets the requirement that states: “No one category of uses (including residential) may occupy more than 75 percent of the total floor area.” Also attached to this report is an illustration of the proposed entrance features.

Project Evaluation

The MXD Zone is unique in that it requires a significant amount of project information before a property can be zoned MXD. In Section 7-6-1502 of the Zoning Ordinance is a list of project evaluation criteria. The Section states: “All development proposals for the MXD Zone shall be evaluated based on their compatibility with:

- The West Valley City General Plan
- The purpose and characteristics of the MXD Zone
- Sound planning practices
- Surrounding land-uses
- All other City-approved studies”

The stated purpose of the MXD Zone is to: “facilitate the integration of diverse but compatible uses into a single development, with the goal of creating a community that offers ‘live, work, and play’ opportunities within convenient walking distance of each other.” The ordinance also states: “Developments within an MXD Zone shall exhibit urban characteristics such as:

- Minimal building setbacks
- Large parkstrips and sidewalks
- Community gathering spaces
- Shared parking
- Integrated public transit
- Diverse and distinctive design features”

Once a property is zoned MXD, the uses outlined in the development plan are reviewed as a permitted use unless otherwise stated in a development agreement.

Applicable Ordinances

Given the blend of uses proposed and the location of the project, several ordinances apply to this property. These ordinances include transfer of development rights (TDR) for the residential portion of the project, planned unit development (PUD) for the single family detached portion, commercial design standards for the office and retail portion, multi-family design standards for the two types of apartments, single family design standards for the single family detached portion, overpressure zones for the entire project, MXD Zone standards for everything except the single family portion, and standards for landscaping along high-image arterial streets along 5600 West and 5400 South.

Development Agreement

When blending several uses into one project, attention to detail is important. Staff has been working with the applicant to develop a detailed development agreement. A draft of this agreement, entitled “Exhibit B – The Villages at Westridges”, is attached.

Issues Raised During December 10th Public Hearing

There were essentially three main issues raised during the public hearing on December 10th. Each of these issues is listed below in italics together with staff’s response to each.

- *Should 5675 West stub street to the north be extended through the development and connect with 5400 South?* As mentioned during the study session, staff believes that making such a connection is not essential for traffic flow and would likely cause problems with the neighbors to the north. The applicant is not opposed to changing the development plan to show the connection.
- *Is this really a mixed use project?* As discussed above, the portion of the project proposed for the MXD Zone does meet the use mix required. Also, as was discussed in study session during the UTA presentation on transit-oriented development (TOD), each TOD project is unique and should factor in the size of the project and what surrounds it. Some TOD projects are mostly residential. A large amount of commercial at this location is a challenge due to: 1) the 25 acre, Walmart anchored center with about 225,000 square feet of commercial one mile to the south, 2) the 22 acre, Smiths and Lowes anchored center with about 210,000 square feet of commercial two miles to the north, and 3) the large commercial center in Kearns and Taylorsville two miles to the east on 5400 South.
- *Is the density proposed too high for this location?* For a TOD project with planned BRT service on both 5600 West and 5400 South, the proposed density is actually on the low end of what is recommended from a transit standpoint. In addition to the existing and proposed transit service, additional considerations for some higher density residential at this location are it is located on the corner of two arterials and it will be about one mile east of a Mountain View Corridor interchange.

Staff Alternatives:

- Approval of the zone change subject to the standards in the development agreement.
- Approval of the zone change subject to the standards in the development agreement with the exception that item 5 under the Entire Neighborhood section be removed and the development plan (Exhibit C) be modified to show a public street connection from the 5675 West stub street to 5400 South. The revised development plan shall be reviewed by the Planning Commission in a study session before this application is forwarded to the City Council for their review.
- Continuance to address issues raised during the public hearing.
- Denial, the development should contain less residential and more office and

retail.

Applicant:

Colin Wright
500 North Market Place Dr.
Centerville, UT 84014

Discussion: Steve Pastorik presented the application. Phil Conder stated that this project is being treated as a mixed use and questioned what would happen if the commercial portion of the project doesn't get built. He suggested a possible time frame or penalty to be included in the development agreement. Steve replied that the development agreement stated that the designated portion of property must remain vacant until a commercial use project shows up.

Colin Wright, the applicant, stated that he has committed a lot to ensure this is a quality product. He explained that he believes the architecture, which will cost more than average, is attractive and he has agreed to pay for power lines to be buried in the future. He added that as a developer, he wants to see the commercial portion of the project filled as soon as the market permits. Jack Matheson questioned what would happen to the stub street portion if it remained closed. Colin stated that there would be coordination with a landscape architect and the City to create a sidewalk as well as a stamped crosswalk. Commissioner Matheson questioned whether there are any utilities at this location. Colin replied that he isn't sure but would guess there are the proper utilities for a stub street. He added that he doubts the engineer would mind covering it.

Phil Conder questioned whether this entire project hinges on UDOT's transportation projects in the area. Steve replied that the presentation made by UTA in the Study Session last week make a point that TOD developments support transit. UTA is dedicated to transit improvements along 5600 West regardless of what new development occurs. Colin added that UTA expressed the need for density near their transportation locations to help revenue and profit. Commissioner Conder asked if it is acceptable to take future UTA projects into consideration. Steve replied that UTA is making a public investment and its important to ensure the infrastructure is used. Commissioner Conder clarified that UTA and UDOT will be doing their projects regardless of the outcome of this application. Steve replied yes. Jack Matheson commented that the area is dense around this location as it is. Steve replied that there are single family homes; however the existing development density is low for transit purposes. Brent Fuller commented that it is important for the Planning Commission to review MXD and TOD. He stated that he feels the code is being bent to make this is proposal work. Commissioner Matheson questioned whether Commissioner Fuller is opposed to the R-1-4 portion of the development. He replied that he is opposed to calling this a mixed use when it isn't. Phil Conder commented that he feels this project is too dense for the area, especially since the General Plan calls for medium density at this location. He added that the staff analysis also states that it is difficult for

commercial projects at this particular location. Steve replied that the projects he discussed to the north, south, and east were mentioned because they are large retail spaces. He stated that his intention was for that to read a large amount of commercial would be difficult in this area but certainly not small, neighborhood commercial. Harold Woodruff requested staff to discuss density. Steve explained that there are 12 units per acre over the whole site and this has been recommended to the City Council in the General Plan that medium density is up to 12 units per acre. Terri Mills questioned what the density of the Colisimo project is. Steve replied that it is close to 20 units per acre. Commissioner Mills questioned what everyone else thought of the 2 foot fence. Jack Matheson replied that he doesn't feel that a fence of that size is necessary or appealing. He added that a wrought iron fence might work but he doesn't see the need for any fence at all. Commissioner Matheson stated that the single family portion should continue the decorative masonry wall from the Ivory development to the North. Terri Mills agreed but added that the landscaping may enhance the area since it's such a short distance. Steve explained that the agreement is set so that the single family portion must come back as a subdivision plat, the commercial portion must come back with proposed tenants, and the apartment portion would be a permitted use due to the development agreement and concept plan.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for approval subject to the standards of the development agreement allowing for a pedestrian access only to the north to be landscaped and maintained by the developer. In addition, a fence shall be installed along 5600 West for the single family portion of development with no fence further south.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Conder	No
Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Mills	No
Chairman Woodruff	Yes

Majority - Z-9-2008– Denied

Motion: Commissioner Matheson moved for approval subject to the standards of the development agreement allowing for a pedestrian access only to the north to be landscaped and maintained by the developer. Any fences proposed must come back to the Planning Commission as a conditional use making both the senior housing and the apartments a conditional use.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Conder	No
Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Mills	No
Chairman Woodruff	Yes

Majority - Z-9-2008– Denied

Motion: Commissioner Conder moved for continuance.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Chairman Woodruff	Yes

Majority - Z-9-2008– Continued

ZONE TEXT CHANGE APPLICATION:

ZT-17-2008

**Sections 7-2-131, 7-6-1012 and 7-6-1108, - Fighting Ordinance text change
Staff Presentation by Hannah Thiel, Planner I**

Background

With the growing support of fighting events in the media, many small businesses have wanted to host fights at their place of business. As there is concern from staff and the Police Department to keep these events safe for all that are competing and attending, staff is proposing a text change to provide guidelines for fighting events.

This ordinance would add a definition to the ordinance for a ‘fighting event’ that would include ultimate fighting, kick boxing, boxing, martial arts, or combative event where a fee is charged. This would not include classes at a karate school or a similar instructional setting. The fighting event would be limited to facilities with a minimum of 10,000 seats as approved by the building code. In addition, a series of requirements would be placed on the event to provide utmost safety. These requirements include keeping a doctor ringside, requiring the match to be authorized by the a sanctioning body for the sport, requiring an ambulance onsite, requiring fighters to have a physical before and after the match, requiring law enforcement officers onsite, and so on.

Recommendations/ Staff Alternatives

- Approval of the Fighting Events Text Change, subject to any issues raised at the public hearing
- Continuance, for resolution of any issues that may arise at the public hearing.
- Denial of Fighting Events Text Change

Applicant:

West Valley City

Neutral:

Anita Schwemmer
Police Department

Favored:

Mike Stidham
4095 West 4715 S.
SLC, UT 84118

Neutral:

Bill Colbert
Utah Sports Authority
324 S. State Street
Suite 500
SLC, UT 84111

Discussion: Hannah Thiel presented the application. Brent Fuller questioned if there was any specific reason for the venue to be able to host at least 10,000 people. Hannah replied that 10,000 is not necessarily the magic number but there are safety concerns in small buildings. She added that it's important to be able to ensure all the appropriate safety accommodations can be met.

Anita Schwemmer of the West Valley City Police Department explained that audiences for these types of events sometimes get too out of hand. She stated that there have been reports of fighters getting attacked after shows as well as fights between fans. She stated that the Police Department believes an ordinance is necessary to ensure the safety of the fighters as well as to ensure there is proper security and staff. She indicated that numerous police officers can sometimes be called off the roads to calm down or prevent a riot at these types of events. Phil Conder questioned if 10,000 is a good number. Officer Schwemmer replied that it could be less than that depending on the facility. She stated that it's important to be able to provide adequate seating as well as the ability to funnel traffic.

Mike Stidham explained that he was proposing the event that initiated this ordinance. He stated that he feels the Police Department has been given poor information. Mike explained that he has done shows in several other municipalities weekly and there are already safeguards set in place by the State. He commented that the sport of MMA is often viewed as barbaric or arcane but in reality, the fighters are simply athletes. The fighters rarely share animosity and often hug one another after the fight is over. Mike explained that he has only heard of one negative event following a fight that involved marines causing problems after having gone somewhere else. Jack Matheson questioned if alcohol is allowed at the events. Mike replied yes but added that this typically doesn't cause problems. He explained that the UCE (Ultimate Combat Experience) is governed more stringently by and watched over by the State. Doctors and medics

are all required already. He stated that the reason he wanted to target a smaller venue was to attempt to break into the Hispanic community. Jack Matheson questioned if there is security on his staff. Mike replied that there are security on staff but if West Valley feels its necessary to have sworn officers attend an event, they are welcome to.

Bill Colbert, representing the Utah Sports Authority, explained that this ordinance seems to have failed to recognize how closely monitored these events are regulated by the safety commission. He stated that this sport is regulated under a statue that focuses primarily on ensuring that fighters are safe. This includes properly taping gloves and using appropriate mouth pieces, cups, etc. Bill explained that there has no been major issue concerning security at any of these events and security personal are required to be present at all fights. He added that every event and every venue must be approved by the commission. Phil Conder questioned if the event at the particular venue in West Valley City had been inspected. Bill replied that it had been properly inspected the night before during the weigh-in ceremony. He added that there are always 5 inspectors and a commissioner at every event. Bill explained that any unsportsmanlike conduct between fighters is punished and licenses are suspended if anything occurs before or after an event. He explained that this sport is often misunderstood but it's much less brutal than boxing. Terri Mills questioned who must be properly licensed in a fight. Bill replied cornermen/seconds, referees, fighters, venue operations, physicians, etc. Commissioner Mills commented that she isn't familiar with the sport. Bill explained that it's similar to boxing with the exception that several other types of fighting, like wrestling, can also be incorporated. Inexperienced fighters have a limit on the types of strikes used, the types of elbow blows are permitted, and the inability to hit an opponent while they are down. There are more limited requirements for experienced fighters. Commissioner Mills expressed concern that the Azteca Bazaar did not have permission to host this event as part of their conditional use.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Mills moved for continuance.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous - ZT-17-2008- Continued

ZT-18-2008

Section 11-5-102 - Temporary Sign Ordinance text change

Staff Presentation by Hannah Thiel, Planner I

Background

With the widening of 3500 South, it became apparent that some businesses may be without a permanent monument sign for part or all of the time the road is being widened in front of their business. To help accommodate those businesses that may not have the visibility they usually have, staff is proposing an additional type of temporary sign during road widening projects. This sign would allow businesses an extra temporary sign while road widening projects are in front of their business. This sign would have to be a banner and could be placed anywhere on the business' property. Staff has not met with Chamber West President, but does not foresee this text change arising any concerns as it is with respect to the business owners' success that staff is proposing this text change.

In addition this text change would strike a line that indicates that a permit is required for all temporary signs. We would still require a permit for inflatable signs, but other temporary signs should not require a permit.

Recommendations/ Staff Alternatives

- Approval of the addition of Temporary Road Widening Signs in the Sign Ordinance, subject to any issues raised at the public hearing
- Continuance, for resolution of any issues that may arise at the public hearing.
- Denial of Temporary Road Widening Signs in the Sign Ordinance

Discussion: Hannah Thiel presented application. The Planning Commission had no further concerns.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for approval

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous - ZT-18-2008– Approved

CONDITIONAL USE APPLICATIONS:

C-55-2008

**World Wide Auto, Inc., Angelica Guanuna
7020 Gates Ave. and 7051 West UT Hwy 201
M Zone (2.36 Acres)**

The applicant, Angelica Guanuna, is requesting a conditional use amendment for an expansion of a used auto sales business. The zoning for this area is M, Manufacturing. The West Valley City General Plan anticipates Light Manufacturing uses for this area. The surrounding zones are M and A. The surrounding uses include a tow yard to the east, Hwy 201 to the north and residential uses to the south and west.

On July 26, 2006, Ms. Guanuna received conditional use approval for a used car sales lot (C-19-2006). Since that time the business has grown considerably and they wish to expand on to the property to the west (.86 acres) which was previously used as a storage yard for a plumbing and excavation business (Gale Barnes C-12-2002).

The applicant proposes to utilize this storage area for vehicles that are for sale. The cars that are sold are typically damaged and may be inoperable however, the business does not include part sales and the vehicles on site are not used for their parts to restore other cars on site. This is strictly a used car sales business and is not considered a salvage yard or vehicle recycling facility under Chapter 7-29 of the West Valley City Municipal Code.

The storage areas are screened and fenced, the landscaping on both sites has been installed per the approved plans and shall be properly maintained, and the storage areas have a gravel surface. Other used car lots in the City have asphalt or concrete surfacing for the car sales/storage area, however these areas have been approved for vehicle and equipment storage in the past and they are screened from view so gravel may be an appropriate surface. Furthermore, most of the sales are done over the internet so they do not have a typical lot for display of cars for drop-in customers and the storage areas are not open to the general public and customers can not go through these areas unattended. The applicant also has property in Magna, and has plans to relocate the business to that parcel once the approval process is complete with Salt Lake County, so if the vehicles are not sold within 30 days they are moved to the Magna location.

The existing building on site houses the sales offices and bays for minor repairs (i.e., tires and windshields) and detailing of the vehicles to get them ready to sell. However, the site has not been reviewed or approved for car washing. The fluids from the cars are typically drained prior to transport so they will not be disposing of fluids on site. This business will not provide general auto repair to the public and they do not do any body work on the cars.

The original site has space for approximately 20 vehicles on a paved surface on the north portion of the lot. Five of these spaces are to be designated as customer parking. The area along the east side of the property is used for storage of display vehicles. This display

area is secured with a chain link fence and is hard-surfaced. Storage has typically been an enforcement problem at this location and there shall be no storage of vehicles or display in any other areas on or off site. All storage must be located in the gravel areas behind the fence or in the paved fenced area along the east side of the site. Furthermore, all loading and unloading of vehicles must be conducted on site and can not occur within the public right-of-way. There are access gates along the rear fence (Gates Ave.) to both lots and these are to be used as a fire access only and can not be used for business traffic.

The applicant has wall signs on the building and has not proposed a monument sign at this time.

Staff Alternatives:

Approval, subject to the resolution of any concerns raised at the public hearing, as well as the following conditions:

1. The rear storage areas must be surfaced with gravel and be maintained free of weeds. Storage is not allowed in areas that are not properly surfaced with gravel, asphalt, or concrete.
2. The landscaping shall be completed per the original approved plans for both sites and shall be properly maintained.
3. Storage and vehicle display is only permitted in the rear fenced gravel storage areas and the paved fenced area along the eastern portion of the site.
4. The access gates along the rear fence are to be used for a fire access only and can not be used for business traffic.
5. The storage areas must be completely screened with a 6' tall fence that is properly maintained. Damaged panels must be replaced and the metal fencing must be painted a consistent color.
6. There shall be no washing of cars on site without proper approval from West Valley City Public Works and Granger Hunter Improvement District.
7. Inoperable vehicles shall not remain on the property for more than 30 days.
8. Mechanical work on cars shall not be conducted outside.
9. Auto salvaging is not permitted at this location.
10. No loading or unloading of vehicles within the public right-of-way.

Continuance, to allow for the resolutions of any issues raised at the public hearing or to allow for a revised site plan/elevations to be submitted.

Applicant:

Angelica Guanuna
7020 W. Gates Ave.

Favored:

Bob Fisher
7103 W. Gates Ave.

Discussion: Jody Knapp presented the application. Jack Matheson questioned if metal fencing is allowed in the City anymore. Jody replied that it's prohibited in residential areas only. The applicant, Angelica Guanuna stated that they are aware of all the rules on the property and have tried to obey them. Harold Woodruff questioned if there is any particular reason that fluids are drained out of the vehicles before arriving at the site. Angelica explained that most vehicles are shipped from out of state and must be drained before being put on the transportation vehicles. She added that most of their sales are online and most cars are then transferred out of the state or country. Bob Fisher, a neighbor of the property, explained that this is a good business that he passes regularly. He stated that the business is well secured and he believes the applicant is doing a good job.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval subject to the 10 staff conditions.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous - C-55-2008– Approved

C-57-2008

CSHQA

Key Bank

2678 South 5600 West

C-2 Zone (.94 Acres)

The applicant, CSHQA, is requesting a conditional use permit for a bank in the West Valley Pavilion (Winco Foods) shopping center. The zoning for this area is C-2, General Commercial. The West Valley City General Plan anticipates Light Manufacturing and Mixed-Use development for this area. The surrounding zones include M to the east, C-2 and RM to the south, RM and A to the west and M to the north on the north side of the Riter canal. The surrounding uses include vacant land to the east, the Balmoral

Townhomes to the south, vacant land planned for condos and townhomes to the west and the Riter Canal to the north.

The building on site will be approximately 4300 square feet. There is a drive-thru teller area located along the west side of the building that is approximately 42' wide x 24' long with stacking area for vehicles. The building is constructed out of a combination of brick and cultured stone veneer with red fabric awnings.

The Development Agreement for this project suggests that the east and west sides of the building be considered a primary façade for the requirements of the Design Guidelines for Commercial Buildings. The site layout has been modified since this agreement was drafted and the applicant is requesting that the west side be considered a secondary façade due to its internal orientation on the site.

Landscaping occupies approximately 31% of the pad site, which exceeds the requirements of the C-2 zone. The landscaping along 5600 West is not included in the boundaries of this application but will meet the 5600 West Overlay Zone requirements and will be completed as part of the overall shopping center approval.

Seventeen parking spaces are required for this use and twenty-two have been proposed. A pedestrian walkway is proposed through the parking area, which will connect the site to the main pedestrian circulation system on site. Staff has also suggested that a pedestrian connection be located along the south side of the building to the trail system along Parkway Boulevard. Any portions of this system that cross the parking lot will require a change in paving material or texture. Additionally, at least 2 parking spaces for bicycles must be provided adjacent to the primary entrance.

There is a dumpster proposed in the north west corner of the site. A 6-foot masonry enclosure must be constructed around the dumpster. Mechanical equipment is also proposed on the south side of the building and it must be screened with a masonry wall as well as landscaping.

Ground signage for this project has not been determined or designed at this time. Wall signage has been indicated on the building elevations but it is a concept only and specific dimensions have not been provided at this time. A separate building permit will be required for all signage and they must comply with the West Valley Sign Ordinance.

Staff Alternatives:

Approval, subject to the resolution of any concerns raised at the public hearing, as well as the following conditions:

1. The building and site shall be constructed per the approved plans in accordance with the West Valley City Commercial Design Guidelines and the 5600 West Overlay Zone. Which includes bicycle parking, an additional pedestrian connection to Parkway Boulevard to the south of the site and a change in paving material, pattern or color for pedestrian walkways that cross the parking lot.

2. The east side of the building will be considered a primary façade and the remaining sides shall be secondary for the requirements of the Design Guidelines for Commercial Buildings.
3. Signage must comply with the West Valley Sign Ordinance.
4. A 6' tall masonry enclosure must be provided for the dumpster located on the north east side of the site. The mechanical equipment must be screened by a masonry wall and landscaping.
5. All requirements of affected departments and agencies must be met including UDOT and West Valley City Public Works.
6. Any exterior lighting must be installed so that it does not negatively impact the adjacent residential property and in accordance with the guidelines in the Lighting section of the West Valley City Code (7-9-114).
7. All requirements set forth in the development agreement must be met. Please see attached Exhibit B.

Continuance, to allow for the resolutions of any issues raised at the public hearing.

Applicant:

Mike Rossiter

Discussion: Jody Knapp presented the application. Mark Rossiter, the applicant, explained that there are 3 driveway slots. Terri Mills questioned whether the plan provided to the Planning Commission was the most up to date design for the west façade. Mark replied yes. Phil Conder questioned if the entrances and everything else will be worked out in more specific detail. Jody replied that everything will be properly approved but the Planning Commission won't see the application again.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for approval subject to the 7 items listed.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Matheson	Yes

Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous - C-57-2008– Approved

C-61-2008

Farley Eskelson, Dominion Engineering

Regarding McDonalds new site layout due to 3500 South Road Widening

3464 West 3500 South

General Commercial (C-2) zone, 0.95 acres

Staff Presentation by Hannah Thiel, Planner I

Background

Farley Eskelson with Dominion Engineering is requesting a conditional use amendment for a new site layout located at 3464 West 3500 South. A conditional use was initially approved for this location in 1981 for McDonald's at its current location. This application is an amendment to the initial conditional use permit as 3500 South is being widened and traffic exiting or entering McDonalds will no longer be able to turn left, in or out of the establishment. A fast food establishment is a conditional use in the 'C-2' or general commercial zone. McDonalds occupies 0.95 acres of land. The General Plan designates this property as General Commercial or Medium Density.

The applicant is proposing a drive isle in the front setback to better facilitate traffic on site due to the road widening on 3500 South. Currently, a play structure is located in the front setback, which will be removed upon construction of the drive isle. The property will be losing two parking spaces due to the 3500 South road widening and new configuration of the site. There are currently 50 parking spaces on site and the new site would accommodate 48 spaces. This fast food restaurant requires a minimum of 36 spaces on site. The applicant will actually increase the site's landscaping by approximately 400 square feet. However, no landscape plan has been submitted to know exactly what type of plant material will be used. The Planning Commission indicated during the Study Session meeting on January 7, 2009 that they would like to see and review the plans for landscaping. There is currently a masonry wall along the north property line of this site, bordering the school. There is currently a pole sign located on the property. As the pole sign is not proposed to be moved or altered, the City Ordinance does not require the nonconforming pole sign to be removed. As a private drive isle is proposed adjacent to the sign, the pole sign is required to maintain a minimum of 14 feet of clearance to the bottom of the sign face.

Recently, the Planning Commission reviewed a similar site plan for Arby's on 3500 South. At that location, the City Traffic Engineer indicated the importance of closing one of the access ways into the site. The City Traffic Engineer reviewed the McDonald's site plan and indicated that it would not be necessary to close either access into the site along 3500 South. The difference between the sites is that Arby's customers would need to turn very quickly *into* the fairly busy intersection of 3500 South and 3200 West, where McDonald's customers would turn right *away* from the less busy intersection of 3500

South and 3450 West. Utah Department of Transportation was notified of this application but has not yet responded to the request for comments from staff. It is staff's hope to get comments back before the public hearing. The Planning Commission indicated during the Study Session meeting that it may be advantageous to close the eastern access to the site along 3500 South.

The property on the South, East, and West sides of McDonald's located at 3464 West 3500 South are zoned C-2 and are designated General Commercial or Medium Density under the General Plan. The North side of 3464 West 3500 South is zoned Single Family Residential and is designated Low Density Residential under the General Plan. As McDonald's is an existing use on the property and there are no proposed alterations to the building, staff does not see this use adversely affecting neighbors or neighboring zones.

Recommendations/ Staff Alternatives

- Approval subject to any issues raised at the public hearing as well as the following conditions:
 1. That the site plan be developed per the approved plan.
 2. That the applicant shall meet all City Ordinances and requirements for all West Valley City Departments and UDOT.
 3. That a landscape plan be submitted by the applicant, and reviewed by the Planning Commission in a study session, that is in accordance with the West Valley City Code. Any areas that are less than 8' in width shall be landscaped with a minimum of 50% live plant material and shall not include turf or sod.
 4. That if any modifications are made to the pole sign, that the pole sign be removed from the property per the West Valley City Sign Ordinance.
 5. That the driveways be adequately marked for drivers showing ingress and egress for the site, to eliminate any potential confusion or accidents.
- Continuance, for resolution of any issues that may arise at the public hearing.
- Denial of Conditional Use Amendment for new site layout

Applicant:

Farley Eskelson
5684 S. Green Street

Favored:

Scott Rew

Discussion: Hannah Thiel presented the application. Farley Eskelson, representing the applicant, explained that 70% of business comes through the drive through. He explained that he won't close the other entrance and indicated the difficulty of entering and exiting the site due to the construction on 3500 South. He stated that closing one entrance will disrupt the flow of the parking lot and people will end up going in the wrong way. Scott Rew, also representing the applicant, stated that the median on 3500 South will be a good thing for the site. He added that McDonalds has recently added new landscaping additions to make the restaurant look nicer. Harold Woodruff questioned if the playground is used. Scott replied that there is nothing out there now and the road widening will be changing everything. Terri Mills commented that she assumed a playground would be a nice amenity. Scott replied that 70% of business at this location is

drive through and most parents interested in a play area go to the indoor one on 5600 West and 3500 South. He added that the playground outside gets too hot in the summer and too cold in the winter to be of much use. Commissioner Mills stated that as far as landscaping, she would like to see a more vertical element present, like trees. Phil Conder commented that the entrance is too close to the intersection but if UDOT and engineering aren't pushing for closure then it may not be a good idea for the Planning Commission to do so either.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval subject to the 5 staff conditions as well as adding a vertical element, such as trees, to the landscape plan.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – C-61-2008– Approved

C-62-2008

Kevin Bruder, The E Center

Deanne Leatherman, YESCO

Regarding E Center Pole Sign Upgrade

3200 South Decker Lake Drive

General Commercial (C-2) zone, 29.14 acres

Staff Presentation by Hannah Thiel, Planner I

Background

The West Valley City E Center is requesting a conditional use amendment for an upgrade to their pole sign located at 3200 South Decker Lake Drive. A conditional use was initially approved for this location on October 10, 1996 for the existing pole sign at its current location. This application is an amendment to the initial conditional use permit as the approved pole sign is being altered and it is incorporating an electronic message sign. The E Center occupies 29.14 acres of land. The General Plan designates this property as General Commercial.

The applicant is proposing a 24' tall by a 36' wide electronic message sign to be incorporated into the existing pole sign. This is the same sized sign as what is currently on the property. The overall height of 65' for the pole sign would remain the same. The

West Valley City Sign Ordinance allows freeway oriented pole signs the use of 100% of the sign area for electronic message signs. In addition, the applicant is requesting an electronic message wall sign on the front of the E Center. Both requests for an electronic message sign meet the West Valley City Ordinance requirements.

Recommendations/ Staff Alternatives

- Approval subject to any issues raised at the public hearing as well as the following conditions:
 1. That a building permit is obtained for the electronic message signs on the pole sign as well as on the wall.
 2. That the applicant shall meet all City Ordinances and requirements for all West Valley City Departments and UDOT.
- Continuance, for resolution of any issues that may arise at the public hearing.
- Denial of Conditional Use Amendment for renovated sign

Applicant:

Kevin Bruder
200 S. Decker Lake Drive.

Discussion: Hannah Thiel presented the application. Terri Mills questioned if there would be any increased distraction due to the electronic message sign. Hannah replied that the ordinance addresses how long the images can remain on the screen, how bright it is, etc to ensure that there isn't unsafe distractions for drivers. Phil Conder questioned if this could return to the Planning Commission if there are any complaints. Hannah replied yes. Kevin Bruder, representing the applicant, stated that this is an improved, updated sign that is being proposed based on the economics of now versus over ten years ago. He stated that as an event center on the I-215 highway, it's important to have sufficient advertising purposes. Harold Woodruff questioned if the sign will still be used for advertisement of products like Pepsi. Kevin replied that financial support from outside advertisers is important so the sign will continue to display these types of ads. Jack Matheson commented that this is a very attractive new sign and questioned whether it was double sided. Kevin replied yes.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for approval subject to the 2 staff conditions.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Matheson	Yes

Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – C-62-2008– Approved

PLANNING COMISSION BUSINESS

Approval of minutes from December 10, 2008 (Regular Meeting) **Approved**

There being no further business, the meeting adjourned at 5:43 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant